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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,392	02/15/2001	Donald R. Pederson	NCRC-0026-US(9417)	2999

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EXAMINER	
CHEN, CHONGSHAN	
ART UNIT	**PAPER NUMBER**
2172	

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action	Application No.	Applicant(s)
	09/784,392	PEDERSON ET AL.
	Examiner	Art Unit
	Chongshan Chen	2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 June 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☐ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☐ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *See Continuation Sheet*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☐ For purposes of Appeal, the proposed amendment(s) a)☐ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-43*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

ALFORD KINDRED
PRIMARY EXAMINER

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Continuation of 5. does NOT place the application in condition for allowance because: As per applicant's arguments regarding the references do not teach performing a flush of a transaction log from volatile storage to non-volatile storage before an end transaction procedure have been considered but are not persuasive. The applicants do not explicitly disclose whether the transaction procedure is the issuing of the transaction end indication or the initialization of the transaction end indication. Therefore, the examiner interprets the claimed end transaction procedure as the initialization of transaction end indication of Tada. Tada teaches transferring log data to HLF buffer 112 in non-volatile memory 103 before the initialize transaction end indication (Tada, col. 11, line 1 - col. 12, line 3).

As per applicant's arguments regarding Tada does not teach the first access module is part of a cluster of access modules have been considered but are not persuasive. The system of Tada has two external storages, two databases and two historical log files on volatile and non-volatile storage (Tada, Fig. 1-4). It is obvious that the system of Tada has a cluster of access modules in order to access the two external storages, two databases and two historical log files on volatile and non-volatile storage. Any access modules access one of the external storages, databases and historical log files could be the first access module.

As per applicant's arguments regarding the reference does not teach a first access module sending an end transaction directive to a fallback module have been considered but are not persuasive. Because the applicants do not define what is the fallback module in the claim and limitations from the specification are not read into the claims, see In re Van Geuns, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993), the examiner gives a broad interpretation to the term. Tada discloses transaction end managing portion records the transaction end in the transaction file (Tada, Fig. 4). The examiner interprets the fallback module is the transaction end managing portion.

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